

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NORTH DAKOTA
EASTERN DIVISION**

STATE OF WEST VIRGINIA, <i>et al.</i> ,)	
<i>Plaintiffs,</i>)	
CASS COUNTY FARM BUREAU, <i>et al.</i> ,)	
<i>Plaintiff-Intervenors</i>)	No. 3:23-cv-32-DLH-ARS
v.)	Hon. Daniel L. Hovland
UNITED STATES ENVIRONMENTAL PROTECTION AGENCY, <i>et al.</i> ,)	
<i>Defendants,</i>)	
CHICKALOON VILLAGE TRADITIONAL COUNCIL, <i>et al.</i> ,)	
<i>Defendant-Intervenors.</i>)	

FEDERAL DEFENDANTS' STATUS REPORT

On February 18, 2025, ECF No. 256, the Court granted Defendants' motion to stay the case with status reports every 60 days. In accordance with the Court's Order, Defendants respectfully submit this status report to apprise the Court of recent developments.

Since Defendants' last status report on April 21, ECF No. 258, the Agencies held nine listening sessions for various stakeholders and the public soliciting input to assist the Agencies in further clarifying the definition of "waters of the United States." *See* <https://www.epa.gov/wotus/public-outreach-and-stakeholder-engagement-activities#wotusnotice>. The period for the public to submit written recommendations closed on April 23, 2025. 90 Fed. Reg. 13428 (Mar. 24, 2025). The Agencies received more than 45,000 comments, including comments from Plaintiffs and some intervenors. *See* <https://www.regulations.gov/docket/EPA-HQ-OW-2025->

0093. The Agencies are in the process of reviewing comments and evaluating input received at the listening sessions.

Further agency action to clarify the definition of “waters of the United States” could potentially resolve the litigation or narrow the existing dispute. Accordingly, the stay in this case remains appropriate. Defendants will file another status report by August 22, 2025.

Respectfully submitted,

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/s/ Jin Hyung Lee

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CERTIFICATE OF SERVICE

I hereby certify that on June 23, 2025, I filed the foregoing using the Court's CM/ECF system, which will electronically serve all counsel of record registered to use the CM/ECF system.

/s/ *Jin Hyung Lee*